HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27652 of 2007

Dated 26th December, 2007

Between
Musali Kondaiah

…Petitioner

and

The Addl. Agent to Government cum Project Officer,
Integrated Tribal Development Agency (ITDA), Bhadrachalam
Khammam District, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 27652 of 2007

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the first respondent in not passing orders on the stay application in the appeal filed against the order of eviction dated 28-9-2007 passed in Case No. 201/2003/MGR by the Special Deputy Collector (TW),Bhadrachalam, Khammam District, as illegal and arbitrary.

The dispute relates to an extent of Ac.0.02 guntas of land covered by Sy.No. 221 of Bandarugudem village, Manuguru Taluk, Khammam District. It is stated that the petitioner has purchased the said land from the father of the fourth respondent on 4-4-1961, i.e. prior

to the enforcement of prohibition for transfer of lands belonging to tribals under the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970. It is the case of the petitioner that though the said transfer is not hit by the A.P. Scheduled Areas Land Transfer Regulation 1/1959, as amended by Regulation 1/1970, but, however, the Special Deputy Collector (TW), Bhadrachalam, initiated proceedings under the said Regulation and passed the order of eviction dated 28-09-2007 in case No. 201/2003/MGR. It is stated that against the said order, the petitioner has preferred appeal on 5-12-2007 along with an application for grant of interim order. It is the grievance of the petitioner that though he has filed appeal, the appellate authority did not exercise jurisdiction vested in it by not passing any order either on the appeal or stay application, and, on the other hand, the respondents are taking steps to enforce the order of eviction.

As much as, it is stated that the petitioner has purchased the subject land in the year 1961 and constructed a residential house in the above said land, and, further, the appeal filed by the petitioner is pending consideration, I dispose of the Writ Petition directing the second respondent-appellate authority to dispose of the appeal filed by the petitioner on 5-12-2007 as expeditiously as possible. Further, there shall be a direction to the respondents not to enforce the order of eviction dated 28-09-2007 till the disposal of the appeal and allow the petitioner to be in possession of the land in question.

Subject to the above direction, the Writ Petition is disposed of at the admission stage. No order as to costs

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JUSTICE R. SUBHASH REDDY

DATE: 26-12-2007
Msnr.